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Docket No. MI 6029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Anteo PELLICONI, et al.

Serial No.: 10/518,882

Group Art Unit: 1796

Filed: December 20, 2004

Examiner: N. M. NUTTER

Title: IMPACT-RESISTANT POLYOLEFIN COMPOSITIONS

TERMINAL DISCLAIMER TO U.S PATENT APPLICATION SERIAL NO.
10/499,182 UNDER 37 C.F.R. §1.116

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the advisory action bearing a mailing date of April 3, 2009. An appeal brief is due by May 25, 2009, since May 23, 2009 is a Saturday. In lieu of filing a brief, Applicant is respectfully submitting a terminal disclaimer to U.S. patent application serial no. 10/499,182 herein.

In view of the terminal disclaimer submitted herein, Applicant respectfully believed this obviates all pending rejections, and as such, requests the Examiner to reconsider and withdraw the outstanding rejections and allow all claims pending in this application.

U.S. Patent Application
Serial No. 10/518,882

1. TERMINAL DISCLAIMER TO U.S. PATENT APPLICATION SERIAL NO.

10/499,182

Applicant submits herein a terminal disclaimer to U.S. patent application serial no. 10/499,182. Accordingly, Applicant respectfully believes this submission obviates all pending rejections for this application, including the provisional obviousness-type double patenting rejection to U.S. patent application serial no. 10/577,270, and places the instant application in condition for allowance. See Applicant's previous response of March 23, 2009, and the advisory action issued on April 3, 2009. Therefore, Applicant respectfully requests the Examiner to enter the terminal disclaimer filed herein; and withdraw all the pending rejections for this application.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw all the rejections, and allow all pending claims 1-11. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments if it is believed such

U.S. Patent Application
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contact will expedite prosecution for this application.

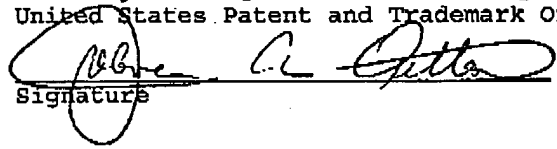
Respectfully submitted,

By: 

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Date: May 14, 2009
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I hereby certify that this correspondence is being facsimile transmitted to the
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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
MI 6029 (US)

In re Application of: Anteo PELLICONI et al.

Application No.: 10/518,882

Filed: December 20, 2004

For: IMPACT-RESISTANT POLYOLEFIN COMPOSITIONS

The owner, Basell Polyolefine Italia s.r.l., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/499,182, filed on June 16, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

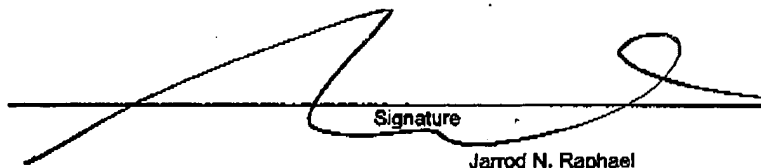
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 56,566


Signature
Date May 14, 2009
Jarrod N. Raphael
Typed or printed name

302-683-8176
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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